

APPROVED: Meeting No. 22-81

ATTEST: *[Signature]*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 20-81

May 18, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 18, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

ABSENT

Councilman John Tyner
(On Jury Duty)

The Mayor in the Chair.

In attendance: Assistant City Manager Daniel Hobbs; City Manager Larry Blick; City Clerk Helen Heneghan; Assistant City Attorney Francis Lacey; Director of C.D.H.A. Douglas Horne; Director of Finance John Lawton; Public Information Officer Sue M. Patterson; Director of Planning James M. Davis; Chief of Police Jared Stout; Deputy Director of Public Works Gerald Morningstar.

Re: City Manager's Report

Mr. Blick reported the following:

1. Last Thursday, 46 City employees were honored for serving the City for 5, 10, 15, 20, 25, and 30 years. The awards were presented by Mayor Hanna and Councilwoman Fordham. The highlight of the ceremony was the presentation of 30-year service awards to Tom Foreman, Parks Maintenance Supervisor, and to Jim Woods, Water Treatment Plant Supervisor.

2. On Thursday, Gene Camponeschi State Highway District Engineer, and John Clark, Transportation Planner for Montgomery County, discussed highway improvements for the vicinity of I-270 and Shady Grove Road with members of the I-270 Employees' Association. There is serious traffic congestion on the I-270 ramp where it intersects with Fields Road. The State is conducting extensive traffic studies in preparation for discussion with the Federal Highway Administration.

Mayor Hanna asked that an appropriate news story be done in the City Newsletter about the 30 year employees.

Re: Adoption of Ordinance: To add a new Chapter 23 to the "Laws of Rockville", to require occupancy permits under certain circumstances and to prohibit conveyance of certain property without first obtaining such a permit.

Councilman Abrams said he plans to oppose this ordinance since it never was made clear what need would be addressed with it: consumers or protecting the City's housing stock. There seems to be no justification for such an ordinance, if, in fact, the real estate industry is providing ample notice to prospective purchasers. At the same time, one of the stronger arguments against the ordinance at the hearing was testimony on the recent election. Mr. Abrams said no national trend was reflected in the recent election but gave the statistics showing how there was no pattern other than one of the voters supporting a person but not a party.

Mayor Hanna said the ordinance was the result of many complaints to the Council by individuals who did not feel they were being properly protected in their purchases by the City. People bought homes and found things were not as they had wished them to be. This ordinance was proposed as seeming to be an answer to this problem. Both the testimony and letters received were overwhelmingly against it and called it an area where government should not be stepping in. Mayor Hanna said in this instance he plans to vote in favor of the people and at the same time give a charge to homeowners and the real estate agents that they should provide purchasers with the right type of product.

On motion of Councilman Freeland, duly seconded and unanimously passed, the ordinance was defeated.

Re: Presentation on Public Safety -
State's Attorney Andrew Sonner

Montgomery County State's Attorney, Andrew L. Sonner, gave a presentation to the Council on his office's "new war on burglars". Mr. Sonner said burglaries are up 40 percent in the last two years, costing Montgomery County citizens over \$5 million in personal possessions and that is intolerable. Mr. Sonner is asking the judges to give jail time to all burglars, even to first offenders. The burglary unit will regularly summons all convicted burglars to appear before the grand jury. He announced a stepped

up public campaign to publicize burglary trials and sentences. Also, all convicted burglars will get warning letters explaining that their probation or parole will be monitored. Mr. Sonner said in Montgomery County, a jail sentence will have to be the price burglars pay for breaking into a house.

The Mayor and Council expressed their desire to fully cooperate with the State's Attorney. Mr. Sonner mentioned the speedy success that Rockville had in initiating the alternative community service program, proved a model for other communities. He knows Rockville can get a program operating quickly. The Councilmembers thanked him individually. Councilwoman Fordham reiterating the Mayor's thoughts. Councilman Freeland noted the cooperation the City will give. Councilman Abrams mentioned how important this program will be to people west of I-270. The Council then discussed the enforcement of municipal infractions with the State's Attorney who said he would be glad to review the system and get back to the Council. The Mayor and Council thanked Mr. Sonner for coming this evening.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. David Kelsey, 20 South Adams Street. Mr. Kelsey told the Mayor and Council of a problem in his neighborhood with an intruder which resulted in a problem with a City police dog. He complained to the Council about the lack of communication from the police to him. Mayor Hanna agreed with Mr. Kelsey's concerns and said the City Manager will return to the Council with a report.

At this time the Mayor interrupted the Citizen's Forum portion of the meeting since it had reached 9 p.m., which was the announced time for the adoption of the appropriations ordinance.

Re: Adoption of Ordinance: To Appropriate funds and Levy Taxes, FY82.

Ordinance No. 26-81

Councilwoman Fordham moved, duly seconded, to amend the ordinance as reflected in the memo submitted by the staff. She noted that the major changes are the addition of police and police leave funding, a special fund to be used as a contingency for Rockville residents who are in need of food, shelter and energy assistance; capital funds and operating funds for a senior citizens center; and a development plan to improve the appearance of the Rockville Pike. She noted that a \$25,000 grant application has been

submitted before the National Historical Preservation Trust by the Montgomery Historical Society to improve the Beall Dawson House. This application carries with it an agreement to an easement since the City does not like to grant easements on its property. She asked the City Manager if the City would be able to use some of its funds to assist in the improvements to the Beall Dawson House and the City Manager has assured Mrs. Fordham that there will be funds available for that. Mayor Hanna noted that the additions to the ordinance result in a \$0.95 tax rate which is \$.01 cent above the constant yield tax. He added that Councilman Tyner is not present this evening since he is sequestered on jury duty but he has called in to announce his full agreement with the budget and to say that if he were present this evening, he would vote in the affirmative.

Councilwoman Fordham's amendment to the ordinance passed unanimously.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Ordinance No. 26-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, appropriating funds and levying taxes for FY 82, was adopted as amended.

Re: Adoption of Ordinance: To amend
Section 7-2.16 of Chapter 7 of
the "Laws of Rockville", entitled
"Water Consumption Charge."

Ordinance No. 27-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 27-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, amending Section 7-2.16 entitled "Water Consumption Charge" was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
Amend Section 7-2.17 of Chapter
7 of the "Laws of Rockville",
entitled "Sewer and Usage Charge"

Ordinance No. 28-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 28-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, amending Section 7-2.17 entitled "Sewer and Usage Charge" was adopted by the Mayor and Council.

(At this time the Mayor returned to the Citizen's Forum portion of the meeting.)

2. Steve Fisher. Mr. Fisher thanked the Recreation and Parks Department for the cleaning up of the park area on First Street. He added that in light of the State's Attorney's presentation on the overcrowding that exists

in state prisons, the Mayor and Council might consider turning over the Rockville Mall as a jail. Anyone who enters and is successful in leaving has no desire to return.

There being no other citizen wishing to be heard, the Mayor closed the Citizen's Forum portion of the meeting.

Re: Award of Contract: Bid No. 39-81,
Printing of Rockville Newsletter

Bids were opened in City Hall at 3 p.m., May 1, 1981, for printing the Rockville Newsletter beginning July 1, 1981, through June 30, 1982, with a two-year extension by mutual consent. Notices were mailed to 67 printing companies, but only one bid was received. A second vendor said that a bid was mailed, but it was not received by the City.

The bid received, from the Record Composition Company in Silver Spring, was as follows:

<u>Number of Pages</u>	<u>Cost per 18,000</u>	<u>Additional Cost per 1,000</u>
4-Page Tabloid	\$421.87	\$ 16.23
8-Page Tabloid	471.06	22.68
12-Page Tabloid	727.81	29.43
Cost per half-ton		3.50
Cost per additional color for one web per issue (color on press)		100.00
Cost for additional PMS 484 for one web per issue		100.00
Cost for sorting and bundling by postal route (16,500 newsletter)		50.00

The staff recommends that this bid be awarded to the Record Composition Company at the prices shown above. The contract and prices bid are good for only one year. The contract would be renewable by mutual consent for two additional years, with increases or decreases in labor costs or materials to be reflected in price changes in second and third year.

Councilman Freeland asked why only one bid was received and Mrs. Patterson said there were only two in Montgomery County who could handle a job such as the City Newsletter. After comparison of prices, this year's quote is 14 percent higher than last years. Councilman Abrams suggested in a situation like this, direct negotiations might bring about a better price. After further discussion, on motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 39-81, for printing of the Rockville Newsletter, was awarded to the only bidder, Record Composition Company in Silver Spring

Re: Bid No. 45-81, Civic Center Sanitary
Sewer

Bids were opened in the Mayor and Council Chambers, City Hall at 3:00 p.m. on Friday, May 8, 1981, for the extension of the Civic Center Outfall Sanitary Sewer. This contract is for the installation of 600 lineal feet of 6-inch diameter sanitary sewer main and appurtenances.

This sanitary sewer is being constructed to eliminate the outdated and malfunctioning septic system that presently handles the waste from both the mansion and the Recreation and Parks office. The new sanitary sewer will be connected into the existing First Street outfall main, which flows by gravity into the W.S.S.C. Rock Creek outfall. Once the connection is completed, the septic system can be abandoned.

The construction of this sewer main facility will be funded by the General Fund and \$50,000.00 was approved for this project in the FY 1981-86 C.I.P.

Fifteen contractors received plans and specifications; ten contractors submitted bids as follows:

Pleasant Excavating Co., Inc., Clarksburg, Maryland	\$17,528.00
Deneau Construction, Inc., Gaithersburg, Maryland	19,970.00
Nazario Construction, Co., Inc., Beltsville, Maryland	22,558.00
Kenster Tri-State & Co., Crofton, Maryland	22,653.00
San Dot, Inc., Union Bridge, Maryland	24,448.00
Rapp Contracting, Inc., Beltsville, Maryland	26,348.00
Concrete General, Inc., Gaithersburg, Maryland	26,678.00
Ennis & Sons, Inc., Camp Springs, Maryland	26,848.00
Teague & Fritz Construction, Frederick, Maryland	29,486.00
Calcon Company, Inc., Gaithersburg, Maryland	32,768.00

Engineer's Estimate	\$18,728.00
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The staff recommends that the Mayor and Council award the above contract to Pleasant Excavating Company, Inc., in the amount of their low bid of \$17,528.00.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 45-81, was awarded to the Pleasant Excavating Co., Inc., the low bidder, in the amount of \$17,528.00.

Re: Resolution: To allow withdrawal
of Map Amendment M-23-80

Resolution No. 11-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 11-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, allowing withdrawal of map amendment application, M-23-80, was adopted by the Mayor and Council.

Re: Resolution: To establish service
charge rate for refuse removal

Resolution No. 12-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 12-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, establishing service charge rate for refuse removal, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
grant Map Amendment application,
M-27-80

Ordinance No. 29-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 29-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting Map Amendment application, M-27-80, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
grant Map Amendment application,
M-28-80

Ordinance No. 30-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Ordinance No. 30-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting Map Amendment application, M-28-80, was adopted by the Mayor and Council.

Re: Introduction of Ordinance: To
Amend speed limits in school zones
from 15 miles per hour to 25 miles
per hour

On motion of Councilman Freeland, there was introduced upon the table, an ordinance amending speed limits in school zones from 15 miles per hour to 25 miles per hour, said ordinance to lay over at least one week before final action is taken.

Re: Approval of telephone system
request for proposals

Due to the highly technical and specialized nature of the phone system request for proposals, the staff finds that it is impractical to obtain competition by sealed bids. Sealed bids may be waived in this manner when "a procurement is for technical, non-personal services in connection with the assembly, installation, or servicing of highly technical equipment."

Mr. Blick therefore recommends that the Mayor and Council waive the sealed bid requirement for this project.

Councilman Freeland moved, duly seconded, that the Mayor and Council approve the waiver of the sealed procurement bid requirement. Councilman Abrams disagreed with the wording of the motion since the memo submitted by the staff contradicts it. Discussion followed between Mr. Lacey, the Assistant City Attorney, and Mr. Hobbs, the Assistant City Manager, and the Council on the best way to accomplish the purpose of replacing the telephone system. Mayor Hanna recommended a two-step proposal - one, which involves technical detail and the second, which will bring about a good price on a preferred system. Mr. Hobbs explained the process the staff has gone through and the problems they are now facing, since the proposals could be coming in for purchase, for lease, or for combination lease/purchase, making the low bid process impossible to deal with on such technical matters. It was the consensus of the Council that the request by the City Manager was sufficiently covered by the Charter of the City of Rockville, Section 13(4)(v).

Councilman Freeland's motion to waive the sealed bid requirement passed unanimously.

Re: Approval of Sale of Lots 4 and
8, Block A, Redgate to William
Rickman

The C.D.H.A. office is in receipt of a "Contract of Sale" to purchase property within the Red Gate Industrial Park from William M. Rickman. Mr. Rickman has offered to purchase Lots 4 and 8, Block A. This offer is summarized as follows:

1. William M. Rickman	Lot 4	\$400,065	\$3.30/sq. ft.
	Lot 8	<u>306,541</u>	3.65/sq. ft.
		\$706,606	

2. Deposit \$70,760

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Council approved the sale of land to William Rickman as indicated above.

Re: Correspondence:

The Mayor and Council noted the following items of correspondence;

1. G. H. Deighton, re West Montgomery Task Force
2. Al Premo, re Broome closing
3. Mayor of San Diego, re Seniors bike ride

Mayor Hanna said he certainly hoped the Council would join him in welcoming the seniors in the City on June 10.

4. New Mark Homeowners re home conversion
5. Mrs. C. E. Collier, re inclusion in historic district
6. Jack D. Ricketts, re baseball problem

Re: Information Items

The Mayor and Council noted the following items of information:

1. Copy of letter from Bowie Councilman re LAC
 2. Memo re 5/5 meeting of Denham/Woodburn neighborhoods
 3. MML Information Bulletin
 4. Planning Department monthly report - March, 1981
 5. Memo from Planning Commission re T-27-79 withdrawal
 6. Notice of Civic Federation meeting
 7. Project reports from CDHA
 8. Memo re C.M. Attendance at I.U.L.A. meeting
- Mayor Hanna said it was fine that the City Manager would be attending this meeting.
9. Response to citizen complaint

Re: New Business

Councilman Freeland noted that tomorrow morning at 9 a.m., Governor Hughes will sign all Maryland Municipal League Bills.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 10:40 p.m. to convene again in general session on Monday, June 1, 1981, at 8:00 p.m. or at the call of the Mayor.